

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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| UNITED STATES OF AMERICA, | : | CIVIL ACTION NO. 1:14-CR-6 |
| | : | |
| Plaintiff | : | (Chief Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| EJIKE EGWUEKWE, | : | |
| | : | |
| Defendant | : | |

ORDER

AND NOW, this 3rd day of June, 2016, upon consideration of the letters (Docs. 217, 218) filed *pro se* by defendant Ejike Egwuekwe (“Egwuekwe”) wherein he requests that the court reduce the imposed term of imprisonment and eliminate his probation period and restitution obligation, and specifically identifies 18 U.S.C. § 3582 as a basis for the proposed relief, and the court observing that said provision authorizes reduction of an imprisonment term “based on a sentencing range that has subsequently been lowered by the Sentencing Commission,” 18 U.S.C. § 3582(c)(2),¹ but that only a select few amendments to the Sentencing Guidelines support retroactive reduction of a defendant’s sentence, see id.; U.S.S.G. § 1B1.10(a)(2)(A); Dillon v. United States, 560 U.S. 817, 826 (2010), and the court finding that none of the amendments cited by Egwuekwe constitute retroactively applicable amendments, see U.S.S.G. § 1B1.10(d); (Doc. 218), and therefore that 18 U.S.C. § 3582 provides no authority for a reduction of Egwuekwe’s sentence, and it

¹ The court sentenced Egwuekwe on October 30, 2015, applying the United States Sentencing Guidelines (“Sentencing Guidelines”) effective beginning November 1, 2014. See U.S.S.G. § 1B1.11(a); (Doc. 188). The current version of the Sentencing Guidelines came into effect on November 1, 2015.

appearing that Egwuekwe also argues that ineffective assistance of his counsel at sentencing warrants a modification of his sentence, (see Doc. 217), but the court finding that the instant filings do not take the form required by the Local Rules to be construed as a request to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, see LOCAL RULE OF COURT 83.32.1; R. GOVERNING § 2255 CASES R. 2(c), and advising Egwuekwe that, with few exceptions, any such motion must be filed within one (1) year of the date upon which his judgment of conviction becomes final, it is hereby ORDERED that:

1. Egwuekwe's request (Docs. 217, 218) to modify the sentence imposed on October 30, 2015 is DENIED.
2. The Clerk of Court is directed to mail a copy of this order to Egwuekwe.
3. To the extent Egwuekwe intends to file a motion pursuant to 28 U.S.C. § 2255, the Clerk of Court is further directed to mail to Egwuekwe a copy of the standard form for such motions as prescribed by the Local Rules of Court for the Middle District of Pennsylvania.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania